

SENATE BILL 422

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CF HB 1059

By: **Senator Colburn**

Introduced and read first time: January 29, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Dorchester County – Choptank River – Soft-Shell Clam Harvesting**

3 FOR the purpose of altering the time periods during which and the locations in which
4 soft-shell clam harvesting using certain types of gear is prohibited under
5 certain circumstances in the Dorchester County portion of the Choptank River;
6 making technical corrections; and generally relating to soft-shell clam
7 harvesting in the Dorchester County portion of the Choptank River.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 4-1037 and 4-1038
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Natural Resources
15 Section 4-1039
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 4–1037.

2 A person may not catch or attempt to catch soft-shell clams with a hydraulic
3 clam dredge or any other gear except hand-held tools, such as shovels and hoes, in the
4 following areas:

5 (1) Within 150 feet of a natural oyster bar or area leased under
6 Subtitle 11A of this title and marked as required by that subtitle;

7 (2) Within 1,000 feet of any occupied duck blind where decoys are set
8 out during waterfowl hunting season;

9 (3) Except for the William Preston Lane, Jr. Memorial Bridge and its
10 parallel span, the Governor Thomas Johnson Memorial Bridge, and the area of the
11 Choptank River Bridge that is within Talbot County, within 50 feet of any bulkhead,
12 structure, wharf, pier, or piling that is erected in, over, or under the waters of the
13 State under a permit granted by the State or federal governments;

14 (4) Within 300 feet of any private bathing beach running not more
15 than 300 feet along the shore which is marked as required by rule and regulation or
16 within 1,000 feet of any public bathing beach from May 1 to September 30. However,
17 the owner or lessee of a single property may not claim protection for more than one
18 private bathing beach contiguous to this property;

19 (5) (i) Within 50 feet of the mean high watermark of any shoreline
20 in Queen Anne's, Talbot, or Somerset counties;

21 (ii) Within 300 feet in Dorchester County; or

22 (iii) Within 150 feet in Anne Arundel County, Calvert County,
23 St. Mary's County, or Kent County downriver from Nichols Point at the eastern side of
24 the mouth of Langford Creek and within 300 feet upriver from Nichols Point;

25 (6) The Dorchester County waters of the Choptank River and its
26 tributaries [except as provided in §§ 4–1038(a) and 4–1039 of this subtitle], **EAST OF A**
27 **LINE RUNNING FROM HORN POINT TO MARTIN POINT AND WEST OF A LINE**
28 **RUNNING FROM SHARP'S ISLAND LIGHT TO HILL'S POINT**; Brannock Bay; **THE**
29 Little Choptank River; Tar Bay; **THE** Honga River; all waters east of a line running
30 from the most southerly point of Holland Island to Holland Island Bar Light; all
31 waters east of a line running from Richland Point to Okahanikan Point; and any areas
32 reserved by the Department for production of seed oysters; and

33 (7) In the Atlantic Coastal Bays, as defined in § 8–1802 of this article.

34 4–1038.

1 (a) Except as provided in § 4–1039 of this subtitle, a person may not catch
2 soft-shell clams by hydraulic clam dredge in the following waters:

3 (1) Anne Arundel County. — (i) Within 500 feet of any sea nettle net;

4 (ii) Within 800 feet of any public bathing beach between
5 Saunders and Dutchman’s Point, if the beach is marked as required by rule or
6 regulation and the public uses the beach for bathing;

7 (iii) In Marley Creek; Stoney Creek; Bodkin Creek; Magothy
8 River above a line drawn from Mountain Point to Persimmon Point; Little Magothy
9 River; Whitehall Bay between the shore and a line drawn from Hackett’s Point to
10 Possum Point; Mill Creek; Severn River between the shore and a line drawn from
11 Greenbury Point to the east side of the entrance to Lake Ogleton; South River between
12 the shore and a line drawn between Turkey Point and east side of Duvall Creek, and
13 extending 1,500 feet in front of Sandy Point State Park and Fort Smallwood State
14 Park; West River south and west of a line running from Cheston Point to Curtis Point;
15 or

16 (iv) Anywhere in Anne Arundel County north of the Chesapeake
17 Bay Bridge within 800 feet of the shoreline, or south of the Chesapeake Bay Bridge
18 and north of Thomas Point within 300 feet of the shoreline from September 16 to April
19 15 and within 800 feet of the shoreline from April 16 to September 15; south of
20 Thomas Point within 300 feet of the shoreline, except that between Turkey Point and
21 Ramsey Lake clamming is prohibited within 800 feet of the shoreline. This subsection
22 does not prohibit the catching of clams by hydraulic clam dredge in West River or
23 Rhode River.

24 (2) [Dorchester County. — In the Dorchester County waters of the
25 Choptank River and its tributaries, west of a line running from Horn Point to Martin
26 Point and east of a line running from Sharp’s Island Light to Hill’s Point from 30 days
27 before opening date of wild waterfowl hunting season until the closing date. For
28 purposes of this item, the seaduck season is not part of the wild waterfowl season.

29 (3) Queen Anne’s County. — In the waters of Eastern Bay and its
30 tributaries; Shipping Creek; Cox’s Creek; Crab Alley Creek; Wye River south of a line
31 from the southernmost tip of Ferry Point to the northernmost tip of Drum Point; Wye
32 East River west of a line from the southernmost tip of Wye Island to northernmost tip
33 of Bruff’s Island; Kent Narrows south of a line drawn from the northernmost tip of
34 Ferry Point to the northernmost tip of Long Point.

35 [(4)] (3) Somerset County. — In the Wicomico River or Monie Bay
36 east of a line from the easternmost entrance of Rock Creek to the southeast extremity
37 of Mollie’s Point.

1 **[(5)] (4)** Talbot County. — (i) In the Tred Avon River and in Town
2 Creek in front of Oxford, between the shoreline and the center of the channel, except
3 during October and November;

4 (ii) Within 1,200 feet of the Federal Research Laboratory at
5 Oxford.

6 (b) A person may not catch by hydraulic or mechanical clam dredge
7 soft-shell clams from the waters of Charles or Wicomico counties, or the Atlantic
8 Coastal Bays, as defined in § 8-1802 of this article.

9 4-1039.

10 (a) The Department may open or close any area in which the catching of
11 soft-shell clams by hydraulic clam dredge is not prohibited under the provisions of this
12 subtitle if:

13 (1) In its opinion other natural resources will not be significantly
14 damaged;

15 (2) The area to be opened is clearly defined and plainly marked; and

16 (3) The area is patrolled by Natural Resources Police vessels during
17 dredging operations.

18 (b) In any area where hydraulic clam dredging is prohibited under §
19 4-1038(a) of this subtitle the Department may open selected areas if the areas opened
20 are patrolled by Natural Resources Police vessels during dredging operations.

21 (c) Before opening or closing any area the Department shall publish notice in
22 at least one newspaper of general circulation in the State, and in at least one
23 newspaper of general circulation in each county. Any closing or opening shall be
24 effective no less than 24 hours from publication of notice.

25 (d) The provisions of this section do not apply to Charles and Wicomico
26 counties, or the Atlantic Coastal Bays, as defined in § 8-1802 of this article.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2010.